IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE TENTH DAY OF FEBRUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.2461 OF 2006

Between**:**

Mohammed Moosa … Petitioner

Versus

The District Collector,

Visakhapatnam & Ors. … Respondents

Counsel for the Petitioner: Mr.V.T.M. PRASAD

Counsel for the Respondents: GP for Revenue

O R D E R :

Heard the learned counsel for the petitioner as well as the learned Govt.Pleader for the respondents.

It is stated that an extent of Acs:3-00 of land in survey no.114/2B {old survey no.114/3-Patta No.346} is not an assigned land but it is patta land in which coconut trees and Eucalyptus trees are grown. It is stated that a notice in RC.No.580/91 dated 12-3-1991 was issued by the Mandal Revenue Officer, Visakhapatnam Rural, stating that the petitioner is in illegal possession of the assigned land, for which the petitioner filed his explanation and thereafter another notice in Form No.I was issued by the Mandal Revenue Officer, Visakhapatnam Rural in RC.No.336/96 dated 26-8-1996 stating that an extent of Acs:3-00 in survey no.114/2B was an assigned land and the petitioner is in illegal possession and for which, the petitioner filed his detailed explanation on 02-9-1996. Having kept quiet, again a similar notice in RC.No.1220/2005-A dated 21-1-2006 was issued to the petitioner stating that the petitioner is in illegal occupation of the said land in survey no.114/2B, for which the

petitioner filed his detailed explanation on 04-2-2006.

It is stated that the petitioner purchased the said land and the revenue authorities also issued pattedar passbook under the A.P. Rights and Land in Pattedar Passbooks Act, 1971 pursuant to the direction of this court in WP.No.4292 of 2002 dated 14-3-2002.

Now it is stated that once title deeds have been issued, the Mandal Revenue Officer has no right to initiate any action under the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act, 1977.

On the other hand, the learned Govt.Pleader for Revenue submits that any title deed, pattedar passbook issued under the Act has no affect with regard to the violation of illegal occupation in respect of the assigned lands, and therefore, the provisions of the Act are only applicable.

Be that as it may, at this stage, I am not inclined to express any opinion on the said submissions, as admittedly, show cause notice was issued to the petitioner granting fifteen days time to explain why he should not be evicted from the said land and as to why any crop or other construction erected or anything deposited thereon should not be forfeited and the petitioner filed his explanation also.

Having regard to the fact and in view of peculiar facts and circumstances of issuing two earlier show cause notice, the third respondent is directed to consider and dispose of the explanation submitted by the petitioner and pass appropriate on merits and in accordance with law and further directed not to dispossess the petitioner till the expiry of two weeks of the date of service of order issued against

the petitioner, so as to enable the petitioner to file an appeal and obtain orders from the appellate authority.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

FEBRUARY 10th, 2005. ----------

l s L. V. ESWARAIAH, J.

*NB: Operative portion of the order by wire

at party's costs.

B/o. lsL.